



October 27, 2008

**VIA E-MAIL AND FACSIMILE:**

klandau@waterboards.ca.gov

emlee@waterboards.ca.gov

jpalmer@waterboards.ca.gov

Facsimile: (916) 464-4645

Ms. Elizabeth Lee  
Mr. Josh Palmer  
Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Re: Comments on University of California Davis NPDES Permit  
(NPDES No. CA0077895)

Dear Ms. Lee and Mr. Palmer:

This letter requests designated party status and provides comments from Reclamation District 2035 ("RD 2035") and the Conaway Preservation Group, LLC ("Conaway") regarding the proposed renewal of the University of California Davis ("UC Davis") discharge permit for its water pollution control facility (NPDES Permit No. CA0077895). RD 2035 and Conaway have concerns regarding several aspects of UC Davis's wastewater treatment operations and the proposed NPDES permit renewal.

**Reclamation District 2035 and Conaway Ranch**

RD 2035 was formed in 1919 to provide levee maintenance and drainage services to approximately 20,500 acres of land in Yolo County near the City of Woodland. RD 2035 is a local public entity that has legal authority and jurisdiction under Water Code Section 50000 *et seq.* to implement flood control programs and projects that reconstruct, replace, improve, or add to facilities as defined in Public Resources Code Section 5096.805(j). RD 2035's service area includes the Conaway Ranch property. The Conaway Ranch property covers over 17,000 acres on the west side of the Sacramento River between the cities of Davis and Woodland. Approximately 40 percent of the Ranch is located within the Yolo Bypass and the remainder lies west of the bypass. Both RD 2035 and the Conaway, which manages the Conaway Ranch, are

actively involved in encouraging and seeking solutions to the region's flood and groundwater quality problems while conserving open space, agriculture, and rural and environmental values.

### **Request for Designated Party Status**

RD 2035 and Conaway request designated party status at the upcoming hearing regarding renewal of UC Davis's NPDES permit. RD 2035 is responsible for flood control and the delivery and maintenance of water supply, water delivery, and water drainage within its boundaries. UC Davis's wastewater discharges affect RD 2035's and Conaway's lands within the Yolo Bypass in several ways. These discharges have the potential to affect groundwater quality within the groundwater basin(s) utilized by RD 2035 and Conaway. UC Davis's proposed increased wastewater discharge into the Sacramento River, via the North and South Forks of Putah Creek, also potentially impacts the regulatory environment of other upstream surface and groundwater users such as RD 2035 and Conaway. Importantly, the proposed permit includes a statement that UC Davis intends to switch its water supply from groundwater to surface water to improve the quality of its wastewater discharge. Conaway and RD 2035 have a direct interest in these aspects of the proposed NPDES permit because they have been cooperatively working with UC Davis and the cities of Davis and Woodland to plan the acquisition, diversion, and conveyance of surface water from the Sacramento River to UC Davis. RD 2035 and Conaway encourage the Board to foster and implement a cohesive and comprehensive vision for this region and to spur all parties to develop the longer-term water supply / quality solution as soon as possible.

No other party has identical concerns or viewpoints and, thus, RD 2035's and Conaway's participation in the December 4-5, 2008 hearing on the proposed renewal is essential to provide the Board with sufficient information to make an informed and legally adequate decision on the proposed NPDES permit and the appropriateness of its effluent limitations and other provisions such as monitoring and reporting and mitigation timelines.

### **General Comments**

RD 2035 and Conaway have analyzed the proposed NPDES permit and have the following concerns:

- The beneficial uses listed in Table 5 do not include groundwater recharge (GWR) or freshwater replenishment (FRESH), both of which have been listed in the City of Woodland's tentative discharge permit (NPDES No. CA0077895). Given that both discharges are to tributaries of the Sacramento River, UC Davis's permit should also include FRESH as a designated beneficial use. It has been documented that seepage from Putah Creek and the Sacramento River recharge

Yolo County's aquifers, therefore GWR should also be included as a designated beneficial use.<sup>1</sup>

- UC Davis is proposing to increase the amount and rate of its wastewater discharge by 33%. This will result in an increase in the loading of numerous wastewater constituents, including salt, selenium, boron, mercury, and others into the groundwater basin, and the Sacramento River and northern Delta.
- RD 2035 and Conaway are concerned that the state and federal antidegradation and anti-backsliding policies will be violated. These concerns are magnified by UC Davis's history of noncompliance with its current NPDES permit, for which the Regional Board recently issued Administrative Civil Liability Complaint R5-2008-0577. More specifically, the MEC for selenium described in the fact sheet is significantly higher than the numerical limits proposed in Table 6. How does UC Davis intend to comply with this particular limitation?
- We understand the proposed permit allows an increase in the numerical electrical conductivity effluent limits of 500  $\mu\text{mhos/cm}$  (from 900 to 1,400  $\mu\text{mhos/cm}$ ) and compliance may require UC Davis to change water supply sources. At a minimum, the adopted permit should include a specific and reasonable timeline/schedule for compliance with the lower electrical conductivity limits.
- RD 2035 and Conaway believe that the Regional Board's proposed timeline to investigate alternative water supplies is inadequate given the continued deterioration of this region's groundwater resources. Both RD 2035 and Conaway agree that the implementation of an alternative water supply will concurrently address selenium and electrical conductivity levels. Given that the projected mass loading concentrations for selenium are anticipated to exceed the Board's significance threshold of 10 percent coupled with the uncertainty as to whether the treated effluent will comply with the proposed selenium limits, we request that a specific timeline and/or schedule for the implementation of an alternative water supply be included in the NPDES permit. RD 2035 and Conaway have information concerning a potential alternative water supply solution that we feel should be addressed by Regional Board staff and incorporated into UC Davis's NPDES permit.

## Conclusion

RD 2035 and Conaway urge the Board to grant them designated party status at the upcoming hearing on UC Davis's proposed NPDES permit. RD 2035 and Conaway remain

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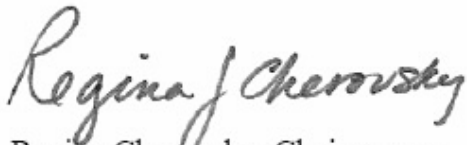
<sup>1</sup> Jenkins, M., *Conjunctive Yolo County, California's Water Supply System Conjunctive Use Without Management*, September 1992. <http://www.dcn.davis.ca.us/dcn/projects/conjunctiveuse/>.

Regional Water Quality Control Board

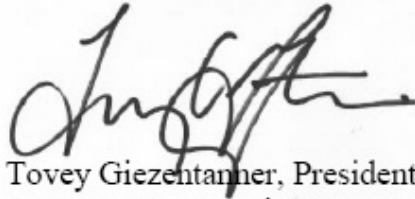
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interested in working with UC Davis, the Cities of Davis and Woodland, and the Board to resolve the issues mentioned in this letter. If more clarification or other information is needed regarding these comments, please contact us at (530) 662-1484.



Regina Cherovsky, Chairperson  
Reclamation District 2035



Tovey Giezentanner, President  
Conaway Preservation Group, LLC